IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7682 OF 2007

Abdul Rashid Mohammed ....Petitioner
V/s
The State of Maharashtra & Ors..... ....Respondents.

Mr.P.C.Kansara, Adv. For the petitioner.

Mr.R.M.Patne, AGP For the respondents.

CORAM: A.P.DESHPANDE, J.
16/10/07

PC:

Rule. Rule made returnable forthwith.

Taken up for final hearing by consent of both the parties.

Petitioner is carrying on business of restaurant and bar and for the said business he possessed a police licence. The petitioner applied for renewal of the said licence for the period of 1.4.06 to 2007. Respondent No.3 issued show cause notice as to why police liecence should not be cancelled. The petitioner replied to the show cause notice and pleaded that the petitioner is not guilty of the charges leveled against him. Not satisfied with the reply to the show cause the Deputy Commissioner of Police by an order dasted 3.9.07 suspended the licence for a period of 60 days pending an inquiry. The order dated 3.9.07 which goes to suspend the licence intimates the petitioner that if the petitioner is aggrieved by order of suspension the petitioner has right to file an appeal before the State Government within a period of 30 days and in case the petitioner is agreeing to accept the impugned order he should intimate the local police station one day in advance. Aggrieved by the order passed by the Assistant Commissioner of police which was received by the petitioner on

19.9.07 the petitioner filed an appeal on 24.9.07. The period of 30 days would expire on 19.9.07. The submission made by the learned counsel is that there is right of appeal vested in the petitioner to question the legality and validity of impugned order. Grievance is on account of failure on the part of State Government to decide the appeal or pass appropriate orders on stay application within stipulated period. It is submitted that the right of appeal is rendered nugatory. The main grievance is in regard to failure to pass appropriate order on stay application. Learned additional government pleader appearing for the State Government submits that on account of pendency of huge number of matters before the concerned Minister he finds it difficult to decide the matter within stipulated period. However it is further submitted that if so directed the concerned Minister will proceed to decide the appeal or the stay application within a period of six weeks from today. Hence writ petition is partly allowed. State Government is directed to decide the stay application filed by the petitioner so also the appeal within a period of six weeks from today after granting reasonable opportunity of hearing to the petitioner. Till the decision of the appeal by the State Government the impugned order passed by the Assistant Commissioner of Police suspending the petitioner's licence for a period of 60 days dated 3.9.07 shall remain stayed. Rule made absolute in above terms.

16.10.07